

Message Text

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47

ACTION NEA-10

INFO OCT-01 ISO-00 PM-04 L-03 TRSE-00 CIAE-00 INR-07

NSAE-00 NSC-05 SP-02 SS-15 MC-02 OMB-01 H-02 IGA-02

/054 W

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R 211250Z APR 76

FM AMEMBASSY JIDDA

TO SECSTATE WASHDC 4467

INFO SECDEF WASHDC

CHUSMTM DHAHRAN

C O N F I D E N T I A L JIDDA 2901

E.O. 11652: GDS

TAGS: MASS, SA, YE, US

SUBJECT: ARMS ASSISTANCE TO THE YAR

REF: (A) JIDDA 2620, (B) STATE 90245

1. CHUSMTM BG AHMANN MET WITH MINDEF PRINCE SULTAN APRIL 18 AND, AMONG OTHER MATTERS, HE DISCUSSED LETTERS OF OFFER AND ACCEPTANCE FOR THE YAR ALONG THE LINES OF REF B. WHILE THE DISCUSSION WAS NOT CONCLUSIVE, IT DOES APPEAR THAT PRINCE SULTAN NOW APPRECIATES OUR POSITION.

2. PARA 3 CONTAINS THE TEXT OF A LETTER WHICH WE PROPOSE THAT THE AMBASSADOR SEND TO PRINCE SULTAN. THE DEPARTMENT'S APPROVAL OF THE LETTER OR ALTERNATIVE LANGUAGE IS REQUESTED AS SOON AS POSSIBLE.

3. BEGIN TEXT. YOUR ROYAL HIGHNESS, GENERAL AHMANN HAS INFORMED ME THAT HE DISCUSSED WITH YOU ON APRIL 18 THE QUESTION OF AMENDMENTS TO THE FORM DD 1513 AS RELATES TO ARMS DELIVERIES TO YEMEN WHICH YOU RAISED IN YOUR LETTER TO ME APRIL 6.

AS GENERAL AHMANN INFORMED YOU, THE UNITED STATES
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GOVERNMENT CAN ACCEPT THE SECOND AND THIRD POINTS

OF YOUR LETTER. THE FIRST POINT, THAT IS THE RESTRICTING OF THE RIGHT OF CANCELLATION TO SAUDI ARABIA ALONE, PRESENTS SOME DIFFICULTY, SINCE THE UNITED STATES GOVERNMENT AS THE SELLER OF THE MILITARY EQUIPMENT MUST RETAIN THE RIGHT TO CANCEL THE ORDER IN ACCORDANCE WITH STANDARD U.S. GOVERNMENT PRACTICE APPLICABLE TO ALL LETTERS OF OFFER. MOREOVER, THE LEGISLATION UNDER WHICH SUCH SALES WILL TAKE PLACE IN THE FUTURE WILL REQUIRE SUCH A PROVISION AS A MATTER OF LAW. ADDITIONALLY, THE GOVERNMENT OF THE YEMEN ARAB REPUBLIC WILL, AS A PRACTICAL MATTER, BE ABLE TO CANCEL DELIVERIES SIMPLY BY REFUSING ACCEPTANCE OF THE MATERIEL. AT THE SAME TIME, WE APPRECIATE THE DESIRE OF YOUR ROYAL HIGHNESS'S GOVERNMENT TO BE ABLE TO CANCEL A CONTRACT AT ANY TIME PRIOR TO DELIVERY. I AM, THEREFORE, PLEASED TO SUGGEST TO YOUR ROYAL HIGHNESS THE FOLLOWING ALTERNATIVE LANGUAGE TO COVER THE CONCERN EXPRESSED IN POINT ONE OF YOUR LETTER.

"THE KINGDOM OF SAUDI ARABIA, THE GOVERNMENT OF THE UNITED STATES OF AMERICA, AND THE GOVERNMENT OF THE YEMEN ARAB REPUBLIC SHALL HAVE THE RIGHT TO CANCEL A TRANSACTION UP TO THE POINT OF DELIVERY. ANY CANCELLATION COSTS WILL BE BORNE BY THE GOVERNMENT THAT CANCELS THE TRANSACTION." AS TO THE FOURTH POINT OF YOUR LETTER, THAT IS, THAT THERE WILL BE PRIOR UNDERSTANDING BETWEEN THE SAUDI ARABIAN AND YEMENI GOVERNMENTS, THERE DOES NOT SEEM TO BE ANY PARTICULAR PROBLEM SO LONG AS WE ARE INFORMED WHAT THESE UNDERSTANDINGS ARE AND SO LONG AS THEY ARE CONSISTENT WITH U.S. LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS. HOWEVER, THE ABSENCE OF MENTION OF AGREEMENTS BETWEEN THE SAUDI AND YEMENI GOVERNMENTS WOULD NOT AFFECT THE ABILITY OF THE SAUDI ARABIAN GOVERNMENT TO ENTER INTO AN UNDERSTANDING WITH THE YEMENI GOVERNMENT AND I, THEREFORE, SUGGEST THAT POINT FOUR OF YOUR LETTER NOT BE INCLUDED ON FORM DD 1513. I TRUST THAT THE FOREGOING WILL RESPOND TO THE CONCERNS WHICH YOU EXPRESSED IN YOUR LETTER OF APRIL 6, AND I LOOK FORWARD TO HEARING FROM YOU ON THIS MATTER AT YOUR EARLIEST CONVENIENCE. END TEXT.

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